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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/738,367	12/15/2000	Rodney Carl Burnett	AUS920000769US1	9819
7590	03/03/2005		EXAMINER PYZOCHA, MICHAEL J	
Darcell Walker 8107 Carvel Lane Houston, TX 77036			ART UNIT 2137	PAPER NUMBER
DATE MAILED: 03/03/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/738,367	<b>Applicant(s)</b> BURNETT, RODNEY CARL	
	<b>Examiner</b> Michael Pyzocha	<b>Art Unit</b> 2137	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 January 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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**DETAILED ACTION**

1. Claims 1-10 are pending.
2. Amendment filed 01/25/2005 has been received and considered.

***Claim Rejections - 35 USC § 112***

3. Rejections under 35 USC 112 have been withdrawn based on the amendments filed.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bishop, and further in view of Abraham et al (US pat 5,539,906).

Regarding claim 1, Bishop teaches a method for transferring and monitoring privilege access to functions in a computing system comprising: transferring a privilege to a new program

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that will administer the function, said transferred privilege enabling the new administrator to access the function; transferring the privilege to access the function away from the system program that had the privilege during the initialization of the function on the computer system; and monitoring the number of programs that have privilege to the function (page 695 col.2 paragraphs 4 and 5; page 696 paragraph 1).

Bishop does not teach the function is a resource manager. Abraham teaches the function is a resource manager (col.11 lines 24-30; col.12 lines 51-62; col.13 lines 5-16). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Bishop's method of providing UNIX security in a supercomputing environment with Abraham's apparatus for controlling access to data in order to allow access to data and processes only to users authorized to do so (Abraham col.3 lines 1-40).

6. Claims 2-4,6,7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bishop and Abraham, and further in view of Donovan et al (US pat 5,940,589).

Regarding claim 2, Bishop and Abraham in combination teach the method of claim 1, in addition Abraham teaches registering the new program and setting a privilege identity for the new program (col.11 lines 54-62), but does not teach incrementing

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the privilege process count. Donovan teaches incrementing the privilege process count (abstract; col.3 lines 42-51). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Bishop and Abraham's method of providing UNIX security in a supercomputing environment, as modified above, with Donovan's method for validating subscriber terminals on a network in order to provide a means for restricting access based on user credentials (col.3 lines 34-51).

Regarding claim 3, Bishop, Abraham and Donovan in combination teach the method of claim 2, in addition Bishop teaches requesting a privilege transfer to the function by the new administrator program; and determining whether the new program requesting the privilege transfer currently has privilege to the function (page 695 col.2 paragraphs 4 and 5; page 696 paragraph 1).

Abraham teaches that the function can be accessing a resource manager (col.11 lines 24-30; col.12 lines 51-62; col.13 lines 5-16).

Regarding claim 4, Bishop, Abraham and Donovan in combination teach the method of claim 3, in addition Bishop teaches the step of determining whether the requesting program has privilege to the function comprises determining whether the

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new program has a previous registration (page 695 col.2 paragraphs 4 and 5., page 696 paragraph 1).

Abraham teaches that the function can be accessing a resource manager (col.11 lines 24-30; col.12 lines 51-62; col.13 lines 5-16).

Regarding claim 6, Bishop, Abraham and Donovan in combination teach the method of claim 2, in addition Abraham teaches providing a new privilege identity by the new requesting program (col.4 lines 5-22).

Regarding claim 7, Bishop, Abraham and Donovan in combination teach the method of claim 6, in addition Abraham teaches setting the privilege identity of the resource manager to the privilege identity of the new requesting program; determining whether requesting program is marked as privilege; and marking the requesting program as privilege when the program has not been previously marked as privileged (col.4 lines 5-47).

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abraham, and further in view of Donovan.

Regarding claim 8, Abraham teaches a method for requesting a program as privilege with respect to a resource manager in a computing system (col.11 lines 24-30; col.12 lines 51-62; col.13 lines 5-16); determining whether the privilege process count is greater than zero; determining whether the requesting program is

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privileged; marking the requesting program as privileged; and returning privilege to the requesting program (col.4 lines 5-47).

Abraham does not teach determining whether the privilege process count is greater than zero. Donovan teaches determining whether the privilege process count is greater than zero (abstract; col.5 lines 36-57). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Abraham's method of controlling access with Donovan's method for validating subscriber terminals on a network in order to provide a means for restricting access based on user credentials (col.3 lines 34-51).

8. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bishop, and further in view of Abraham and Donovan.

Regarding claim 9, Bishop teaches a method transferring a privilege access requested, by a new program, to a function and monitoring privilege access to a resource manager in a computing system comprising: transferring the privilege to access the function away from the system program that had the privilege during the initialization of the function on the computer system (page 695 col.2 paragraphs 4 and 5; page 696 paragraph 1).

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What Abraham teaches that Bishop does not teach is the function is a resource manager (col.11 lines 24-30; col.12 lines 51-62; col.13 lines 5-16); determining whether, the requesting program is eligible for a privilege to the resource manager; setting a privilege identity to the resource manager to the privilege identity supplied by the requesting program; and marking the requesting program as privileged (col.4 lines 5-47). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Bishop's method of providing UNIX security in a supercomputing environment with Abraham's apparatus for controlling access to data in order to allow access to data and processes only to users authorized to do so (Abraham col.3 lines 1-40).

Bishop and Abraham in combination do not teach incrementing the privilege count process. Donovan teaches incrementing the privilege count process (abstract; col.3 lines 42-51). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Bishop and Abraham's method of providing UNIX security in a supercomputing environment, as modified above, with Donovan's method for validating subscriber terminals on a network in order to provide a means for restricting access based on user credentials (col.3 lines 34-51).



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Claim 10 is substantially equivalent to claim 9; therefore claim 10 is rejected because of similar rationale.

***Response to Arguments***

9. Applicant's arguments filed 01/25/2005 have been fully considered but they are not persuasive. Applicant argues: Bishop does not address in any way the concepts of initializing a program having a system privilege and transferring that privilege from the native OS to a designated user, and then disabling that OS from disabling that privilege; there is no motivation to combine Bishop and Abraham; Donovan does not teach privilege counts; and there is no motivation to combine Donovan with Abraham and Bishop.

Regarding Applicant's first argument that Bishop does not address in any way the concepts of initializing a program having a system privilege and transferring that privilege from the native OS to a designated user, and then disabling that OS from disabling that privilege, this is not a claimed limitation.

The motivation to combine Bishop and Abraham is to allow access to data and processes only to users authorized to do so as stated in Abraham column 3 lines 1-40.

Donovan teaches a privilege count in column 3 lines 42-51 where the access count is the privilege count.

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The motivation to combine Donovan with Abraham and Bishop is to provide a means for restricting access based on user credentials as in column 3 lines 34-51 of Donovan.

### **Conclusion**

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pyzocha whose telephone number is (571) 272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Andrew Caldwell", with a stylized flourish at the end.

MJP

**ANDREW CALDWELL**  
**SUPERVISORY PATENT EXAMINER**